IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 28125 of 2006(W)

PETITIONER:

A.V.PRATHAPAN, (RETD.ADMINISTRATIVE
ASSISTANT, OFFICE OF THE DMO, IDUKKI),
OONNUKALLIL HOUSE, EZHUMATTOOR, MALLAPPALLY,
PATHANAMTHITTA.

BY ADV. SMT.P.V.ASHA

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
SECRETARY TO GOVT., HEALTH AND FAMILY WELFARE
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

3. ACCOUNTANT GENERAL (A&E),
KERALA, THIRUVANANTHAPURAM.

4. SUB TREASURY OFFICER,
MALLAPPALLY, PATHANAMTHITTA DISTRICT.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 28125 OF 2006 W
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Dated this the 16th January, 2007

J U D G M E N T

The petitioner retired from service on 31-1-2005 while working as Administrative Assistant in the office of the District Medical Officer, Idukki. The Director of Health Services accorded sanction for payment of the pensionary claims vide Ext. P1 proceedings dated 4-5-2005. The Accountant General issued pension payment order as also gratuity payment order on 31-5-2005. Commutation value of pension and monthly pension have been paid to the petitioner. But, D.C.R.G. determined as Rs.1,99,948/- less Rs. 28,297/- towards house building advance is yet to be paid. Subsequently, D.C.R.G. has been revised. Thus a sum of Rs.2,80,000/- as authorised by the Accountant General is due for payment towards D.C.R.G. The petitioner submits that no proceedings are pending against him either as departmental action or judicial proceedings. Therefore, there is no justification to delay payment of D.C.R.G.

2. Notice has been served on the respondents. But

no counter affidavit has been filed.

3. Considering the submissions made by the counsel for the petitioner on the one hand and the Govt. Pleader for the respondents on the other and on perusing the materials on record, I am of the opinion that the petitioner is entitled to get the following reliefs:-

4. The respondents shall pay the sum of Rs.2,80,000/- towards D.C.R.G. within six weeks from the date of receipt of a copy of the judgment. The petitioner will be free to make a claim for payment of interest for the delayed payment from the respondents. On receipt of a representation from him, the Director of Health Services shall consider the same, take appropriate decision and communicate the order to the petitioner within six weeks from the date of receipt of the representation.

The writ petition is disposed of as above.

K.K. DENESAN
JUDGE

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